

**REMARKS**

In the Office Action, the Examiner rejected claims 17, 19 and 31-35 and allowed claims 1-2, 5-16, 20, 22-30 and 36-38. Applicants thank the Examiner for indicating that these claims are allowable. By this Response, Applicants amend claim 17. This amendment does not add new matter. Currently, claims 1-2, 5-17, 19-20 and 22-38 remain pending in the present application and are believed to be in condition for allowance. In view of the foregoing amendment and following remarks, Applicants respectfully request allowance of all pending claims.

**Rejections under 35 U.S.C. § 112, Second Paragraph**

The Examiner rejected claims 17 and 19 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicants regard as the invention.

Although Applicants believe that claims 17 and 19, as originally presented, are sufficiently clear and definite, Applicants have amended claim 17 in the interest of clarification. Specifically, Applicants have amended claim 17 to recite "a hook member non-rotatably coupled to the body and coupled to the first member via an engagement member." (Emphasis added to amended text.) Accordingly, Applicants respectfully request withdrawal of the Examiner's rejection under 35 U.S.C. § 112, second paragraph.

**Rejection Under 35 U.S.C. § 102**

In the Office Action, the Examiner rejected claims 31-35 as anticipated by Kofflin (U.S. Patent No. 5,355,917). Applicants respectfully traverse this rejection.

***Legal Precedent***

Anticipation under section 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under section 102, every

element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). To maintain a proper rejection under section 102, a single reference must teach each and every limitation of the rejected claim. *Atlas Powder v. E.I. du Pont*, 750 F.2d 1569 (Fed. Cir. 1984). Accordingly, Applicants need only point to a single element not found in the cited reference to demonstrate that the cited reference fails to anticipate the claimed subject matter. The prior art reference also must show the identical invention "in as complete detail as contained in the ... claim" to support a prima facie case of anticipation. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989).

Further, the pending claims must be given an interpretation that is reasonable and consistent with the *specification*. See *In re Prater*, 415 F.2d 1393, 1404-05, 162 U.S.P.Q. 541, 550-51 (C.C.P.A. 1969) (emphasis added); M.P.E.P. §§ 608.01(o) and 2111. Indeed, the specification is "the primary basis for construing the claims." See *Phillips v. AWH Corp.*, No. 03-1269, -1286, at 13-16 (Fed. Cir. July 12, 2005) (*en banc*). One should rely *heavily* on the written description for guidance as to the meaning of the claims. See *Id.*

Interpretation of the claims must also be consistent with the interpretation that *one of ordinary skill in the art* would reach. See *In re Cortright*, 165 F.3d 1353, 1359, 49 U.S.P.Q.2d 1464, 1468 (Fed. Cir. 1999); M.P.E.P. § 2111. "The inquiry into how a person of ordinary skill in the art understands a claim term provides an objective baseline from which to begin claim interpretation." See *Collegenet, Inc. v. ApplyYourself, Inc.*, No. 04-1202, -1222, 1251, at 8-9 (Fed. Cir. August 2, 2005) (quoting *Phillips*, No. 03-1269, -1286, at 16). The Federal Circuit has made clear that derivation of a claim term must be based on "usage in the ordinary and accustomed meaning of the words amongst artisans of ordinary skill in the relevant art." See *Id.*

The Examiner's rejection is flawed for a number of reasons. For example, the Kofflin reference does not teach or suggest "pivoting the first member having an arcuate camming surface in a direction generally tangential to a body, the first member being pivotably coupled to the body," as recited by independent claim 31. (Emphasis added.) In contrast, the Kofflin reference teaches "clamp handles 12 [that] can be moved in an up and down fashion, which in turn move the rods 15, which in turn move the hooks 6 and [sic] up and down." Kofflin, col. 2, ll. 9-13 (emphasis added). The clamp handles 12 appear to slide the rod 15 upward through a bushing (unnumbered) in the clamp plate 16, thereby tensioning the spring 17 and raising the hooks 6. *See id* at Fig. 1. In short, the clamp handles 12 translate linearly in an up and down fashion and do not pivot. Thus, the Kofflin reference could not possibly teach *all* of the features of claim 31. In view of these deficiencies, the cited reference cannot anticipate claim 31 or the claims that depend therefrom.

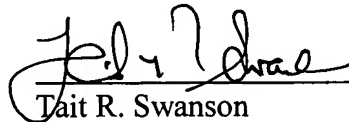
For these reasons among others; Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 102.

**Conclusion**

Applicants respectfully submit that all pending claims should be in condition for allowance. However, if the Examiner believes certain amendments are necessary to clarify the present claims or if the Examiner wishes to resolve any other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

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